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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Bulgaria

1. The Committee considered the initial report of Bulgaria (CRC/C/8/Add.29) at its 345th to 347th meetings (CRC/C/SR.345-347), held on 7 and 8 January 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Bulgaria for engaging, through its delegation, in an open, constructive and fruitful dialogue. It also welcomes the submission of detailed additional information provided to the Committee in a written form. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions, but also the difficulties encountered in implementing the Convention in practice.

B. Positive aspects

3. The Committee notes with appreciation the important efforts undertaken by the Government in the field of law reform, including the adoption of a new Constitution (1991), the Social Welfare Act (1991), the National Education Act (1992), the Law on Care Centres for Homeless Children (1995), and the amendments to the Penal Code (1995) and to the recent Law for Combating and Preventing Juvenile Justice Delinquency (1996).

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* At the 371st meeting, held on 24 January 1997.

4. The Committee welcomes the fact that according to the Constitution international instruments ratified by Bulgaria are part of the country's domestic law and enjoy superiority over norms of domestic law that contradict them.

5. The Committee welcomes the establishment in 1995 of the Youth and Children Committee.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee recognizes the difficulties faced by the State party in the present period of transition to a market-oriented economy which has had a very serious impact on the population, in particular on all vulnerable groups, including children, and has led to increased rates of unemployment and poverty.

D. Principal subjects of concern

7. The Committee is concerned that national laws and regulations are not fully consistent with the principles and provisions of the Convention. The Committee is also concerned that a law on the protection of the child has not yet been finalized and adopted.

8. While welcoming the existence of government bodies competent to deal with the welfare of children at the national and local levels, the Committee expresses its concern that there is insufficient coordination among them to develop a comprehensive approach to the implementation of the Convention.

9. The Committee is concerned at the lack of an integrated strategy on children as well as of a systematic mechanism to monitor progress in all areas covered by the Convention, and in relation to all groups of children in urban and rural areas, especially those affected by the consequences of the economic transition. The Committee is also concerned about the need to strengthen the State party's capacity to collect and process data to evaluate progress achieved and to assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

10. While encouraged by the existence of national debate, the Committee is worried at the lack of an independent body to monitor observance of human rights, particularly the rights of the child.

11. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken and the insufficient capacity of existing bodies, including the Youth and Children Committee, to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient policies, measures and programmes for the protection of the rights of the most vulnerable children, especially children living in poverty, children born out of wedlock, abandoned children, disabled children, children who are victims of abuse, children belonging to minority groups, especially Roma, and children who, in order to survive, are living and/or working in the streets.

12. The Committee is concerned that the general principles of the Convention, as laid down in its articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully applied and duly integrated into the implementation of all articles of the Convention. Particular concern is expressed at the insufficiency of measures to prevent and combat discrimination practised against Roma children, disabled children and children born out of wedlock. Of equal concern to the Committee is the insufficient consideration of the principle of the best interests of the child in tackling situations of detention, institutionalization and abandonment of children, as well as in relation to the right of the child to testify in court.

13. Although aware of the initiatives already undertaken by the authorities, the Committee remains worried about the insufficiency of measures taken to inform and educate all parts of society, adults and children alike, on the provisions and principles of the Convention. Insufficient training provided to professional groups, such as lawyers, judges, law enforcement personnel, teachers, social workers and civil servants, on the Convention is also a matter of concern.

14. The Committee is also concerned by the reported ill-treatment of children in the family and in institutions and the lack of adequate measures for the psycho-social recovery from such abuses. Cases of ill-treatment of children by law enforcement personnel in or outside detention centres are also a very grave matter of concern, even if they are isolated cases. Furthermore, the Committee is concerned by the recent rise in child prostitution and the production and dissemination of pornographic materials involving children. In this regard, the fact that no specific and appropriate legislation and programmes exist to prevent and combat sexual abuse and exploitation is a serious concern to the Committee.

15. With regard to adoption, despite recent changes in the legislation regulating this practice, the Committee is concerned by the lack of compatibility of the current legal framework with the principles and provisions of the Convention, especially with regard to the principle of the best interests of the child (art. 3).

16. The Committee is worried about the insufficient measures taken to tackle the issues of child malnutrition, disability, mental health and early pregnancies, as well as cases of early marriage. It is also concerned about the problem of youth suicide.

17. With regard to the full implementation of articles 28 and 29 of the Convention and despite the existence of international cooperation in this field, the Committee is concerned about the school drop-out rate and the insufficient alternative educational programmes. It is also concerned about the insufficient measures taken to ensure that the school curricula are guided by the principles and provisions of the Convention, especially with regard to human rights education.

18. Moreover, the Committee is concerned about the absence of legal safeguards to protect children employed in the informal sector.

19. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. Despite recent legal amendments, the Committee remains particularly worried, inter alia, about the rights of the child to legal assistance and judicial review, that deprivation of liberty is not used only as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

E. Suggestions and recommendations

20. The Committee recommends that the Government undertake a comprehensive review of the national legislation to bring it fully into conformity with the principles and provisions of the Convention, especially in the areas of labour, adoption, the administration of juvenile justice and domestic violence. It also strongly recommends that the Government consider, on an urgent basis, the adoption of a law on the protection of the child.

21. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. It encourages the State party to cooperate closely with non-governmental organizations (NGOs).

22. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, in institutions, or deprived of liberty, children who are victims of sexual exploitation, children belonging to minority groups, especially Roma, and children who, in order to survive, are forced to live and/or work in the streets. It is further suggested that the State party request international cooperation in this regard.

23. The Committee encourages the State party to pursue its consideration on the establishment of an independent mechanism to monitor observance of children's rights, such as an Ombudsperson or a National Commission for Children's Rights.

24. The Committee recommends that the State party take all necessary measures to take fully into account the principle of the best interests of the child (art. 3) for every decision relating to the child's right to give testimony before a court.

25. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the school curricula and appropriate measures should be taken to facilitate access by children to information produced on their rights. The Committee suggests that the State party develop a comprehensive training programme for professional groups working with and for children such as lawyers, judges, teachers, social workers, medical doctors, law enforcement personnel and personnel in institutions for children. Police officers must be specially trained to deal with child abuse and neglect.

26. The Committee recommends that the State party, in the light of articles 2, 3 and 4 of the Convention, undertake all appropriate measures to the maximum extent of its available resources to ensure that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the Committee suggests that the "child impact" of decisions taken by the authorities be assessed on an ongoing basis.

27. The Committee also suggests that appropriate alternatives to institutional care be developed, with the best interests of the child as the primary consideration, as well as the promotion of his or her harmonious development and preparation for responsible participation in society. In cases where the placement of children in institutions is necessary, measures should be adopted to ensure periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement. Consideration should be given to the establishment of a system of "guardian ad litem".

28. The Committee also suggests that measures be adopted by the State party to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, including parental guidance and counselling, with a view, inter alia, to preventing domestic violence and abuse, abandonment and institutionalization of children. Research should be promoted in these areas.

29. To prevent early pregnancies, the Committee recommends that sex education be strengthened and that information campaigns be launched concerning family planning. Furthermore, the Committee recommends that the Government undertake a national and comprehensive study on suicide among youth to enable the authorities to improve their understanding of this phenomenon and take appropriate measures to reduce the suicide rate.

30. In the light of articles 19, 34 and 37 (a), the Committee strongly recommends that the State party take all appropriate measures to prevent and combat corporal punishment, sexual abuse and exploitation and ill-treatment of children, including in institutions and in detention centres. The Committee

suggests that corporal punishment be prohibited by civil legislation and that appropriate legal measures be taken to combat sexual abuse and exploitation of children. Cases of abuse should be properly investigated, sanctions applied to perpetrators and publicity given to the decisions taken in those cases. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

31. With regard to adoption, the Committee recommends that appropriate legal and institutional steps be taken to fully harmonize law and procedures, both on national and international levels, with the principles and provisions of the Convention. In this regard, the Committee suggests that the State party pursue its consideration of the ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

32. In the field of education, the Committee recommends that the State party take appropriate measures to prevent drop-outs and that the current existing programmes to retain children in schools be reinforced. The school curricula should be reviewed to promote respect for the Convention. Vocational training on the Convention on the Rights of the Child should be developed.

33. While welcoming the ratification by the State party of ILO Convention No. 138, the Committee recommends that the State party adopt all necessary legal and other appropriate measures to protect children from economic exploitation through labour, including in the informal sector.

34. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance and to a judicial review. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established as a priority matter. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

35. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by Bulgaria be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.